

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73946

Edward Stephen Smith
9742 Golf Course Road
Ocean City MD 21842

139 Riverthorn Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on June 30, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201; 13-7-305; 35-7-306, failure to cease rodent infestation, failure to properly store trash in cans with tight fitting lids on residential property zoned DR 10.5 known as 139 Riverthorn Road, 21220.

On May 19, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Christina Frink issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,000.00 (two thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 11, 2010 for removal of open dump/junk yard, remove trash and debris, store garbage in containers with tight lids, remove mattress, eliminate rodent infestation. A Citation was issued on April 12, 2010. The tenant of this residential property appeared for the Hearing on that Citation, and enforcement of the Citation was postponed pending correction of the violations. This Citation was issued on May 19, 2010.

B. Photographs in the file show cans overflowing with bagged garbage and no lids, and bagged trash and garbage on the ground. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. All garbage must be properly stored in cans with tight lids.

C. Photographs in the file show ratholes and evidence of rat activity along the fence and under the shed. Notes in the file by Inspector Christina Frink state that her inspections found ratholes and evidence of rat activity, and no indications that any baiting or other extermination steps have been taken. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306.

D. Because compliance is the goal of code enforcement, the civil penalty will be reduced if the violations are corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$150.00 (one hundred fifty dollars) if the violations are corrected by August 9, 2010.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 8th day of July 2010

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer